

**DEFENDANT'S MOTION TO EXCLUDE  
PLAINTIFF'S EXPERTS**

**EXHIBIT 4: Correspondence Regarding Production of  
Witness Statements**

**From:** Gregory Brockwell  
**To:** LaBarron Boone  
**Date:** 1/24/06 12:01PM  
**Subject:** RE: Roby v. Benton Express

Thank you.

>>> "LaBarron Boone" <labarron.boone@beasleyallen.com> 01/24/06 09:05AM >>>

Sorry for the delay. I have been out of town a bunch and just couldn't get to it. I will make time this week to look at it. I don't think I will object to your request to produce. I will let you know one way or the other this week.

-----Original Message-----

From: Gregory Brockwell [mailto:[GAB@carrallison.com](mailto:GAB@carrallison.com)]  
Sent: Tuesday, January 24, 2006 8:14 AM  
To: LaBarron Boone  
Cc: Brett Ross  
Subject: Roby v. Benton Express

LaBarron,

This is to follow-up on your email below, which is the last we heard from you on this issue. What have you decided regarding our request that you produce the witness statements reviewed by M.P. Stirling? As set out in our motion to compel (Doc. No. 53), these statements became discoverable as soon as they were reviewed by Ms. Stirling. We would like to avoid filing a renewed motion to compel, but we will have no choice if you do not produce them.

Thanks,

Gregory A. Brockwell  
Carr Allison  
100 Vestavia Parkway  
Birmingham, Alabama 35216  
(205) 949-2916 Direct Dial  
(205) 822-4058 Facsimile  
Alabama - Birmingham, Dothan  
Florence, Jasper & Mobile  
Mississippi - Gulfport  
[www.carrallison.com](http://www.carrallison.com)

>>> "LaBarron Boone" <[labarron.boone@beasleyallen.com](mailto:labarron.boone@beasleyallen.com)> 01/12/06 05:46PM >>>

Hi, Bret. Let greg know will be available on monday to discuss Ds motion. I am leaning toward just producing the info you all requested instead of objecting.

**CC:** Brett Ross

**From:** Gregory Brockwell  
**To:** LaBarron Boone  
**Date:** 1/24/06 8:14AM  
**Subject:** Roby v. Benton Express

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>>> "LaBarron Boone" <[labarron.boone@beasleyallen.com](mailto:labarron.boone@beasleyallen.com)> 01/12/06 05:46PM >>>

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**CC:** Brett Ross

**From:** Gregory Brockwell  
**To:** LaBarron Boone  
**Date:** 2/3/06 2:28PM  
**Subject:** Re: Roby

LaBarron,

This is to follow up on your message below. Please let us know when we can expect the witness statements.

Thanks,

Gregory A. Brockwell  
Carr Allison  
100 Vestavia Parkway  
Birmingham, Alabama 35216  
(205) 822-2006 Office  
(205) 822-2057 Facsimile  
(205) 822-4058 Direct Facsimile  
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Florida - Tallahassee  
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>>> "LaBarron Boone" <[labarron.boone@beasleyallen.com](mailto:labarron.boone@beasleyallen.com)> 01/27/06 03:19PM >>>

We will provide the stuff Ms. Stirling reviewed that concern witness account of what happened. Let Greg know.

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"Helping Those Who Need It Most For Over Twenty-Five Years"

**CC:** Brett Ross